

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 AUG -1 PM 2:50

UNITED STATES OF AMERICA

Plaintiff,

v.

Jesus AGUILAR-Olivas
Gabriel OJEDA-Gracia

Defendant

Magistrate Docket ~~CLERK~~ US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF: *CMH*
BY DEPUTY

Title 8, U.S.C., Sec. 1324(a)(2)(B)(ii)
Bringing in Alien(s) For Financial Gain
(Felony)
Title 18, U.S.C., Section 2
Aiding and Abetting
(Felony)

'08 MJ 2391

The undersigned complainant being duly sworn states:

COUNT ONE

That on or about July 31, 2008, within the Southern District of California, defendants, Jesus AGUILAR-Olivas and Gabriel OJEDA-Gracia did knowingly and in reckless disregard of the fact that aliens, namely: Olga AGUILAR-Alvarez, Delia LOPEZ-Leal, and Rodrigo GARCIA-Carrera, had not received prior official authorization to come to, enter and remain in the United States, did willfully bring to and attempt to bring to the United States such aliens, a felony, in that the defendant committed the offense for the purpose of commercial advantage and private gain in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii) and Title 18, United States Code, Section 2.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Juan A. Paula
Signature of Complainant

Senior Patrol Agent
Official Title

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1 DAY OF AUGUST, 2008.

L.M. Allen
UNITED STATES MAGISTRATE JUDGE

DOA 7/31/08 CMH

MS

Statement of Facts

These facts are based on my personal participation in this investigation and on written and oral statements received from other law enforcement officers. I submit that the facts contained in this statement demonstrate that probable cause exists to believe that the defendants named in the attached complaint committed the crimes charged in the complaint.

The complainant states that he believes that Olga AGUILAR-Alvarez, Delia LOPEZ-Leal, and Rodrigo GARCIA-Carrera are citizens of a country other than the United States; that said aliens have admitted that they are deportable as defined in Title 8, United States Code, Section 1229 (c); that it is impractical to secure their attendance at the trial thereof by subpoena; and that they are material witnesses in relation to this charge and should be held or admitted to bail as prescribed in Title 8, United States Code, Section 1227 (d).

On July 31, 2008, at approximately 1300 hours, United States Coast Guard (USCG) responded to a distress call approximately 20 miles off the coast of San Diego. U.S. Customs and Border Protection Marine Interdiction Agents (MIA) responded to the location and questioned all of the twenty subjects on board the vessel as to their country of citizenship. All twenty subjects claimed to be citizens of Mexico with no documents to enter or remain in the United States legally. MIA Agents assisted USCG in transporting all of the subjects to the USCG base, where U.S. Border Patrol took custody and transported them to the Imperial Beach Border Patrol Station for further processing.

Occupants of the vessel identified Jesus AGUILAR-Olivas as the driver of the vessel and Gabriel OJEDA-Gracia as the co-pilot, assisting with a Global Positioning System (GPS) and cell phone communications. AGUILAR and OJEDA were identified from a photo array during witness interviews. Each smuggled alien stated that he/she was going to pay a fee to be smuggled into the United States aboard the vessel. Post Miranda, AGUILAR admitted that he was going to get paid approximately \$1800.00 to bring the undocumented aliens from Mexico to the United States aboard the vessel. OJEDA admitted that he was going to receive monetary compensation, stating that it would probably be less than AGUILAR since he was just assisting in the smuggling event.

AGUILAR and OJEDA declared that they departed from a port in Mexico in the vessel and their final destination was unknown because they were following GPS coordinates into San Diego, California. OJEDA also stated that AGUILAR was the person that recruited him for this smuggling event and was driving the vessel. OJEDA stated he was just assisting AGUILAR with the operation of the GPS monitor and handling radio communications. OJEDA stated that during the voyage from Mexico to the United States, he and AGUILAR instructed the passengers of the vessel not to identify them as the pilot and co-pilot of the vessel if encountered by U.S. Law Enforcement.